HON'BLE SRI JUSTICE P.S. NARAYANA

Writ Petition No.24700 of 2006

Date: 6th December, 2006

Between :-

Nallani Srinivasa Rao ..

Petitioner

And

The District Level Committee &
District Panchayat Officer,
Krishna District at Machilipatnam
Rep. by its Convenor and 4 others ..
Respondents

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ORDER:-

The matter is coming up for *admission.*

2. A.G.P. for Panchayat Raj represents R.1 to R.4 and G.P. for Revenue represents R.5.

3. The Writ Petition is filed for a Writ of Mandamus declaring the action of the 1st respondent in publishing the Tender Notice in R.K.2743/2005 P-7, dt.14-11-2006, calling for sealed tender-cum-public auction for the Kasarabada Sand Reach (R.S.No.1) of Chandarlapadu Mandal, Krishna District, till the representation made by the petitioner is disposed of by the 2nd respondent in terms of Rule 10-L of the A.P.Minor Mineral Concession Rules, 1966, set aside the same as illegal, arbitrary and consequently direct the respondents to permit the petitioner to operate the lease for the non-operated period or in the alternate refund the proportionate lease amount thereof and pass such other suitable orders.

4. It is stated that on 26-6-2004 the Joint Collector, Krishna District had issued the notification Rc.No.3909/2003 Panchayat-7 and the petitioner participated in the tender-cum-public auction conducted on 15-7-2004 for sand quarry leasehold rights and

became the successful bidder for the Kasarabada Sand Research (R.S.No.1) of Chandarlapadu Mandal, Krishna District. It is also stated that on 26-10-2005 the 1st respondent had issued proceedings Roc.No.1702/2004 Pts-7 awarding the above said Sand Reach in favour of the petitioner for a period of 12 months from 27-10-2005 to 26-10-2006. It is further stated that due to heavy rains and floods, resulting heavy inflow into river Krishna from Nagarjuna Sagar, the Mandal Revenue Officer, Chandralapadu – the 5th respondent addressed a letter R.C.A.No.506/06 dt. 5-8-2006 directing the petitioner to stop the sand quarrying operations till the weather conditions are improved and as such, the petitioner could not operate the sand quarry for the period from 4-8-2006 to 28-8-2006 i.e., for 25 days. It is also further stated that thereafter due to heavy rains and floods, on 20-9-2006 the Mandal Revenue Officer, Chandralapadu – the 5th respondent through his letter Rc.A.No.506/2006 once again directed the petitioner to stop quarrying operations and that the petitioner could not operate the sand quarrying operations from 20-9-2006 to 29-9-2006 and from 1-10-2006 to 30-10-2006 i.e., for 40 days. In the facts and circumstances, it is stated that the petitioner could not operate the sand quarrying operations from 4-8-

2006 to 28-8-2006, from 20-9-2006 to 29-9-2006 and from 1-10-2006 to 30-10-2006 i.e., for a period of 65 days. Several other factual details had been narrated and Rule 9-(B)(2)(b) and Rule 9-K of the A.P.Minor Mineral Concession Rules, 1966, and also Rule 10-L and 10-N of the aforesaid Rules also had been referred to. It is also stated that the petitioner made a representation to the 2nd respondent requesting him to consider the case of the petitioner for the non-operation period.

5. The learned A.G.P. for Panchayat Raj states that the 1st respondent is the competent authority to consider such representations. It is also stated that the auction was already held.

6. In the light of the facts and circumstances, the petitioner is given liberty to make a representation to the 1st respondent narrating all the details and raising all the grounds specified in the present Writ Petition within a period of one week and the 1st respondent to consider the said representation and dispose of the same in accordance with law within a period of two months thereafter.

7. The Writ Petition is disposed of accordingly. No order as to costs.

Justice P.S.Narayana

6th December, 2006

smr